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EXAMINER

MORGAN, ROBERT W

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/477,057

Applicant(s)

KLAUS, ROBERT

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In the amendment filed 2/2/04 in paper number 16, the following has occurred: Claims 1-21 have been amended and claims 22-29 have been added. Now claims 1-29 are presented for examination.

Claim Objections

2. Claim 21 is objected to because of the following informalities: the words "availability or submission" should read "availability for submission". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-10, 12-15, 17-24 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,093 to Walker et al.

As per claim 1, Walker et al. teaches a method for a risk carrier to assume monetary risks from a plurality of risk cedents using a server associated with the risk carrier (see: column 5, lines 3-8), said method comprising the steps of:

(a) the claimed calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the risk carrier may assume

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for a specific cedent is met in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids (reads on “per occurrence capacity”) against a given portion of risk (see: column 14, lines 19-25). The Examiner considers investor as determining the maximum risk (reads on “cedent capacity”) of loss he is willing to pay for the insurance policy from a primary insurer;

(b) the claimed identifying risk cedent having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms is met by the investors browsing the various policies (reads on “class of risk”) and picking one or more he is interested in and using conventional interface to select a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26). The Examiner considers the investment order to include the predetermined terms;

(c) the claimed posting on the server by the risk carrier a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through a computer network is met by an insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user or investors (reads on “risk carrier”) browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail (“e-mail”) (reads on “posting”) (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26).

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The user or investor then directs his investment order to the insurance syndication service central server (120, Fig. 1) via the Internet (see: column 5, lines 3-8). The syndication central server transmits to the insurance company server updated syndication and transaction information (108, Fig. 1) (see: column 5, lines 44-47). The Examiner considers the investor's (reads on "risk carrier" or "reinsurer") investment order posted to the insurance company's (reads on "risk cedent") (primary insurer) server via the Internet when the credit card number is entered;

(d) the claimed initializing on the server the available risk assumption capacity of the risk carrier is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (users) (see: column 5, lines 36-52 and Fig. 3c);

(e) the claimed enabling electronic submission by any one of the identified cedents of one of the proposals to assume selected risks associated with the cedent as an offer by the cedent to cede a selected risk for acceptance by the risk carrier is met by the one or more insurance companies ("cedent") each having an insurance company server (110, Fig. 1) transmitting policy information (101, Fig. 1) ("proposals") relating to a policy or policies being offered in syndication to an insurance syndication service central server (120, Fig. 1) (see: column 4, lines 47-51). In addition, a user browses various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60);

(f) the claimed electronically accepting, by the risk carrier, the offer submitted by one of the identified cedents is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60); and

(g) the claimed electronically recalculating the available risk assumption capacity upon accepting the offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor (user) (see: column 8, lines 36-52).

Walker et al. fails to explicitly teach (h) the claimed electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance by the risk carrier would reduce the available risk assumption capacity, as recalculated, below a selected amount.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially withdraws from availability the submission of offers and proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, below a selected amount. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electronically withdrawing from availability for submission as an offer any of said proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, as recalculated, below a selected amount within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

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As per claim 2, Walker et al. teaches the step of (a) the claimed electronically providing confirmation of acceptance of the offer to the cedent which submitted the offer is met by the web page's confirmation (630, Fig. 6c) of the investor's order (see: column 8, lines 66 to column 9, lines 11 and column 9, lines 57 to column 10, lines 2).

As per claim 3, Walker et al. teaches posting the offer which was accepted on the server so as to be viewable by the cedent which submitted the offer is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured).

As per claims 5-7, they are rejected for the same reasons set forth in claims 1-3.

As per claim 8, Walker et al. teaches a method for ceding a plurality of monetary risks from a risk cedent to a risk carrier using a server associated with the risk carrier, said method comprising the steps of:

(a) the claimed calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the carrier may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent is met in one particular preferred embodiment, investors (reads on "risk

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carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids (reads on "per occurrence capacity") against a given portion of risk (see: column 14, lines 19-25). The Examiner considers investor as determining the maximum risk (reads on "cedent capacity") of loss he is willing to pay for the insurance policy from a primary insurer;

(b) the claimed identifying risk cedent having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms is met by the investors browsing the various policies (reads on "class of risk") and picking one or more he is interested in and using conventional interface to select a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26). The Examiner considers the investment order to include the predetermined terms;

(c) the claimed posting on the server by the risk carrier of a plurality of proposals to assume a plurality of risks of the identified risk cedent such that the proposals are viewable by the cedent through a computer network is met by an insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user or investors (reads on "risk carrier") browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail ("e-mail") (reads on "posting") (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26). The user or investor then directs his investment order to the insurance syndication service central

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server (120, Fig. 1) via the Internet (see: column 5, lines 3-8). The syndication central server transmits to the insurance company server updated syndication and transaction information (108, Fig. 1) (see: column 5, lines 44-47). The Examiner considers the user's (reads on "risk carrier" or "reinsurer") investment order posted to the insurance company's (reads on "risk cedent") (primary insurer) server via the Internet when the credit card number is entered;

(d) the claimed initializing on the server the available risk assumption capacity of the risk carrier is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52 and Fig. 3c);

(e) the claimed enabling electronic submission by the cedent of any one of the proposals to assume a plurality of risks as an offer to cede the plurality of risks for acceptance by the risk carrier is met by the one or more insurance companies ("cedent") each having an insurance company server (110, Fig. 1) transmitting policy information (101, Fig. 1) ("proposals") relating to a policy or policies being offered in syndication to an insurance syndication service central server (120, Fig. 1) (see: column 4, lines 47-51). In addition, a user browses various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60);

(f) the claimed electronically accepting, by the risk carrier, the offer submitted by the cedent is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be

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interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insurer; and

(g) the claimed electronically recalculating the available risk assumption capacity upon accepting the offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to teach (h) the claimed electronically withdrawing from availability for submission as an offer any of the proposals which have not been submitted for acceptance and whose acceptance would reduce the available risk assumption capacity, as recalculated, below a selected amount.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially withdraws from availability the submission of offers and proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, below a selected amount. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electronically withdrawing from availability for submission as an offer any of said proposals whose acceptance by said risk carrier would reduce said available risk

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assumption capacity, as recalculated, below a selected amount within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

As per claims 9-10, they are rejected for the same reasons set forth in claims 2-3.

As per claims 12-14, they are rejected for the same reasons set forth in claims 2-4.

As per claim 15, Walker et al. teaches said proposals including an amount of coverage corresponding to a maximum amount of coverage (extent of coverage, 322, Fig. 3c) to be provided and said method further comprises the steps of:

(b) the claimed electronically calculating a premium based on the amount of coverage selected by the cedent is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to explicitly teach (a) the claimed enabling said cedents to electronically decrease the amount of coverage of one of the proposals before submission of the proposal for acceptance.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor (“risk carrier” or “reinsurer”) makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). The updated

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information transmitted to the insurance company server essentially informs the reinsurer of the current available risk still existing. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the enabling the cedents to electronically decrease said amount of coverage of one of said proposals before submission of said proposal for acceptance within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

As per claims 17-20, they are rejected for the same reasons set forth in claims 2-4 and 15, respectively.

As per claim 21, Walker et al. teaches a method for a risk carrier to assume monetary risks from a plurality of risk cedents, said method comprising the steps of:

(a) the claimed calculating an available risk assumption capacity for the risk carrier including a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent is met in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids (reads on "per occurrence capacity") against a given portion of risk (see: column 14, lines 19-25). The Examiner considers investor as determining the maximum risk (reads on "cedent capacity") of loss he is willing to pay for the insurance policy from a primary insurer;

(b) the claimed identifying risk cedent having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms is met by the investors browsing the various policies (reads on "class of risk") and picking one or more he is

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interested in and using conventional interface to select a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26). The Examiner considers the investment order to include the predetermined terms;

(c) the claimed posting, by the risk carrier on a computer network, a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through the computer network is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to user via the Internet (100, Fig. 1) (reads on "computer network") through conventional interface (140, Fig. 1). A user ("risk carrier" or "investor") browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of an investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c);

(d) the claimed initializing on the computer network the available risk assumption capacity of the risk carrier including the per occurrence capacity and the cedent capacity for the risk carrier is met by central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to user (risk carrier) via the Internet (100, Fig. 1) (reads on "computer network") transmitting to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (cedent) (see: column 5, lines 36-52 and Fig. 3c). The Examiner considers that once the policy information is transmitted to the insurance company server the policy has been accepted, and the per occurrence capacity and the cedent capacity for the risk carrier will be calculated based on the amount of risk assumption;

(e) the claimed enabling electronic submission by any one of the cedents of one of the proposals associated therewith as an offer to cede a selected risk for acceptance by the risk carrier is met by a users ("risk carrier" or "investor") browsing various policies and picking one or more of interested by way of an investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c). In addition, the user (risk carrier) enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order via the Internet (see: column 5, lines 3-8, 36-53);

(f) the claimed electronically acceptance, by the risk carrier, the offer submitted by one of the risk cedents is met by a users ("risk carrier" or "investor") browsing various policies and picking one or more of interested using conventional interface to select a policy by way of an investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c), In addition, digital signatures are used to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54); and

(g) the claimed electronically recalculating the available risk assumption capacity including the per occurrence capacity and the cedent capacity for the risk carrier upon accepting the offer is met by an insurance syndication central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to by each investor ("risk carrier" or "reinsurer") (see: column 5, lines 36-52 and Fig. 3c). In addition, the syndication central server transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server (see: column 5, lines 44-47). This suggests that once the investor ("risk carrier" or "reinsurer") makes payment, the amount of

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available risk assumption capacity is decreased (recalculated) and the policy information is updated.

Walker et al. fails to explicitly teach the claimed step of (h) electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance would reduce the available risk assumptions capacity including the per occurrence capacity and the cedent capacity for the risk carrier, as recalculated, below a selected amount, such that electronic submission of any of the proposals which have been withdrawn from availability is prevented.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor (“risk carrier” or “reinsurer”) makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). The Examiner considers that once the policy information is transmitted to the insurance company server the policy has been accepted, and the per occurrence capacity and the cedent capacity for the risk carrier will be calculated based on the amount of risk assumption. In addition, it old and well known in the insurance industry to restrict user access to certain information once a user has selected a specific type of insurance or reached certain monetary limit. For example, if a user on an insurance web site tries to increase their insurance coverage above a preset limit that transaction is denied. This illustrates that a restricted amount of coverage is available for that particular insurance policy and any amount beyond that limit will not be accepted. This

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restriction essentially withdraws the opportunity of increasing the amount coverage by the user, one of ordinary skill in the art at the time of the invention would have found it obvious to include the electronically withdrawing from availability any or said proposals whose acceptance would reduce said available risk assumptions capacity within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

As per claim 22, Walker teaches a network based system for assuming monetary risks by a risk carrier from a plurality of risk cedents (see: column 4, lines 54-56), said system comprising:

--the claimed client system comprising a browser is met by the user or investors browsing the various policies and picking one or more he is interested in and using conventional interface (see: column 4, lines 45-60). The Examiner considers using conventional interface via the Internet connection to include software such as a web browser that allows the user to browse the various policies;

a server system configured to be coupled to said client system and said database, said server system further configured to (see: Fig. 1):

--the claimed calculate an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity, said per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, said cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent is met in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids (reads on "per

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occurrence capacity”) against a given portion of risk (see: column 14, lines 19-25). The Examiner considers investor as determining the maximum risk (reads on “cedent capacity”) of loss he is willing to pay for the insurance policy from a primary insurer;

--the claimed identify risk cedents having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms is met by the investors browsing the various policies (reads on “class of risk”) and picking one or more he is interested in and using conventional interface to select a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26). The Examiner considers the investment order to include the predetermined terms;

--the claimed receive a plurality of proposals to assume selected risks of the identified risk cedents such that said proposals are viewable through said server is met by an insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1) (see: column 4, lines 45-60, Fig. 3c);

--the claimed storing said available risk assumption capacity of the risk carrier in said database is met upon receiving verification of a new investment order (step 1121) the record is stored in the appropriate database (step 1122) (see: column 12, lines 41-44);

--the claimed receive from the identified cedents via said client system one of said proposals to assume selected risks associated with the cedent as an offer by the cedent to cede a selected risk for acceptance by the risk carrier is met by the one or more insurance companies

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("cedent") each having an insurance company server (110, Fig. 1) transmitting policy information (101, Fig. 1) relating to a policy or policies being offered in syndication to an insurance syndication service central server (120, Fig. 1) (see: column 4, lines 47-51). In addition, a user browses various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60);

--the claimed enable the risk carrier to accept said offer submitted by one of the identified cedents is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60);

--the claimed recalculate said available risk assumption capacity upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor (user) (see: column 8, lines 36-52)

Walker et al. fails to explicitly teach the claimed withdrawing from availability for submission as an offer any of said proposals whose acceptance by the risk carrier would reduce said available risk assumption capacity, as recalculated, below a selected amount.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased

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(recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially withdraws from availability the submission of offers and proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, below a selected amount. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electronically withdrawing from availability for submission as an offer any of said proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, as recalculated, below a selected amount within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

As per claim 23, Walker et al. teaches the claimed server system further configured to transmit a confirmation of acceptance of said offer to a client system associated with the cedent which submitted said offer. This limitation is met by the web page's confirmation (630, Fig. 6c) of the investor's order (see: column 8, lines 66 to column 9, lines 11 and column 9, lines 57 to column 10, lines 2).

As per claim 24, Walker et al. teaches the claimed server system further configured to post said accepted offer such that said accepted offer is viewable by the cedent which submitted said offer via said client system. This feature is met an insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user or investors (reads on "risk carrier") browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) and

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further enters credit card number, expiration date and personal information, including his electronic mail ("e-mail") (reads on "posting") (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26). The user or investor then directs his investment order to the insurance syndication service central server (120, Fig. 1) via the Internet (see: column 5, lines 3-8). The syndication central server transmits to the insurance company server updated syndication and transaction information (108, Fig. 1) (see: column 5, lines 44-47). The Examiner considers the investor's (reads on "risk carrier" or "reinsurer") investment order posted to the insurance company's (reads on "risk cedent") (primary insurer) server via the Internet when the credit card number is entered.

As per claims 27 and 28, they are rejected for the same reasons set forth in claims 23 and 24.

As per claim 29, Walker teaches the claimed said proposals comprise an amount of coverage corresponding to a maximum amount of coverage to be provided, and wherein said server system further configured to:

- the claimed enable the cedents to decrease the amount of coverage of one of said proposals before submission of said proposal for acceptance; and

- the claimed calculate a premium based on the amount of coverage selected by the cedent is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to explicitly teach the claimed enable the cedents to decrease the amount of coverage of one of said proposals before submission of said proposal for acceptance.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). The updated information transmitted to the insurance company server essentially informs the reinsurer of the current available risk still existing. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the enabling the cedents to electronically decrease said amount of coverage of one of said proposals before submission of said proposal for acceptance within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,093 to Walker et al. in view of "CNA Life RE Pilots Online System for Direct Writers and Reinsurers" by Bestwire (hereinafter "Bestwire").

As per claim 4, Walker et al. teaches insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60).

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Walker et al. explicitly teaches the step of providing access to the server through the computer network, and limiting access of each of the identified cedents to view only the proposals which are specific to the cedent.

Bestwire teaches an online system that enables life insurance direct writers (insurers) to shop for reinsurance (see: paragraph 1) through AgoraRe.com. Direct writers post applications and case-specific documents to the site for retrieval and examination by one or multiple reinsurers (see: paragraph 3). Reinsurers examine the cases and related documents and then return responses through the site where the direct writers will review the responses and select the best offer or offers (see: paragraph 3). Participants use security software at their workstations to contact the site and a password to enter the system, a case-placement screen allows direct writer to see all of the offers side by side but the direct writer cannot view cases submitted by the competitors (see: paragraph 1, 3, 4 and 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the online system of reinsurance as taught by Bestwire within the system and method of the sale of insurance as taught by Walker et al. with the motivation preventing the user from making errors by limiting access to irrelevant information regarding their insurance policy.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over "CNA Life RE Pilots Online System for Direct Writers and Reinsurers" by Bestwire (hereinafter "Bestwire") and U.S. Patent No. 6,119,093 to Walker et al.

As per claim 11, Bestwire teaches a method for a reinsurer to sell treaty type reinsurance to a plurality of selected cedent, comprising the steps of:

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(a) the claimed calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent is met in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids (reads on “per occurrence capacity”) against a given portion of risk (see: column 14, lines 19-25). The Examiner considers investor as determining the maximum risk (reads on “cedent capacity”) of loss he is willing to pay for the insurance policy from a primary insurer;

(b) the claimed evaluating an insurance portfolio of each of a plurality of cedent is by the direct writers who post applications and case-specific documents to the a web site for retrieval and examination by one or multiple reinsurers (see: paragraph 3);

(c) the claimed developing proposals to reinsure selected insurance portfolios of the selected cedents is met by the reinsurers who examine the cases and related documents and then return response through AgoreRe.com (see: paragraph 3);

(d) the claimed posting of the proposals on the server by the reinsurer such that the proposals are viewable through a computer network is met by the posting of applications and case-specific documents to a web site for retrieval and examination by one or multiple reinsurers (see: paragraph 3);

(f) the claimed providing access though the computer network to the selected cedents to view the proposals is met by the participants of the system using security software at their

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workstations to contact the site and a password to enter the system and using a case-placement screen that allows direct writer to see all of the offers side by side (see: paragraph 1, 3, 4 and 5);

(h) the claimed receiving the offer from the cedent by the reinsurer is met by the direct writers selecting the reinsurer they want to receive their application (see: paragraph 5);

Bestwire fails to explicitly teach:

(e) the claimed initializing on the server the available risk assumption capacity of the reinsurer;

(i) the claimed electronically accepting, by the reinsurer, the offer from the cedent;

(g) the claimed enabling electronic submission by any one of the selected cedents of one of the proposals as an offer to cede a selected risk for acceptance by the reinsurer;

(i) the claimed electronically recalculating the available risk assumption upon accepting the offer; and

(k) the claimed electronically withdrawing from availability for submission as an offer to cede a selected risk any of the proposals whose acceptance would reduce the available risk assumption capacity, as recalculated, below a selected amount.

Walker et al. teaches:

(e) the claimed initializing on the server an available risk assumption capacity of the reinsurer is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column S, lines 36-52 and Fig. 3c);

(i) the claimed electronically accepting, by the reinsurer, the offer from the cedent is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures are used to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insurer;

(g) the claimed enabling electronic submission by any one of the selected cedents of one of the proposals as an offer for acceptance by the reinsurer is met by a user browsing various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, the user enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order (103, Fig. 1) via the Internet (see: column 5, lines 3-8, 36-53); and

(j) the claimed electronically recalculating the available risk assumption capacity upon accepting the offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52);

The combination of Bestwire and Walker et al. fail to teach (k) the claimed electronically withdrawing from availability for submission as an offer to cede a selected risk any of the proposals whose acceptance would reduce the available risk assumption capacity, as recalculated, below a selected amount.

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However, Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially electronically withdraws from availability for submission as an offer to cede a selected risk any of said proposals whose acceptance would reduce said available reinsurance capacity, as recalculated, below a selected amount. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the electronically withdrawing from availability for submission as an offer any of said proposals whose acceptance by said risk carrier would reduce said available risk assumption capacity, as recalculated, below a selected amount within the system as taught by Walker et al. with the motivation of preventing reinsurers from purchasing risk from a cedent that is not available via the Internet.

7. Claims 16 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,119,093 to Walker et al. and "CNA Life RE Pilots Online System for Direct Writers and Reinsurers" by Bestwire (hereinafter "Bestwire").

As per claim 16, Walker et al. teaches:

(a) the claimed calculating an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of

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proposal, the cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent is met in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids (reads on “per occurrence capacity”) against a given portion of risk (see: column 14, lines 19-25). The Examiner considers investor as determining the maximum risk (reads on “cedent capacity”) of loss he is willing to pay for the insurance policy from a primary insurer;

(b) the claimed developing, for each of the classes of insurance, a proposal to reinsure insurance portfolios of the cedent are met by the type of coverages (321, Fig. 3b) (see: column 6, lines 44-58 and column 8, lines 37-51).

(c) the claimed posting the proposals on the server by the reinsurer such that selected ones of the proposals are viewable selected ones of the cedents through a computer network is met by the insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c);

(d) the claimed initializing on the server a cedent capacity for each of the cedents and a per occurrence capacity for each of the proposals is met by the central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (see: column 8, lines 36-52 and Fig. 3c).

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(e) the claimed electronic submission by any one of the cedents of one of the proposals to assume selected risks associated with said cedent as an offer to cede a selected risk for acceptance by the reinsurer is met by a user browsing various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, the user enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order (103, Fig. 1) via the Internet (see: column 5, lines 3-8, 36-53);

(f) the claimed electronically accepting by the reinsurer of the offer submitted by one of the selected cedents is met by a user browsing various policies to pick one or more of interest using conventional interface to select a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insured; and

(g) the claimed electronically recalculating the cedent capacity of the cedent and the per occurrence capacity of the proposal upon accepting the offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to teach the claimed step (h) the claimed electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance would reduce the cedent capacity and the per occurrence capacity, as recalculated, below a selected amount.

Bestwire teaches online system that enables life insurance direct writers (insurers) to shop for reinsurance (see: paragraph 1).

The combination of Walker et al. and Bestwire fail to explicitly teach (h) the claimed electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance would reduce the cedent capacity and the per occurrence capacity, as recalculated, below a selected amount.

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on “risk carrier” or “reinsurer”) themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor (“risk carrier” or “reinsurer”) makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially withdraws the amount of risk from availability to the user, one of ordinary skill in the art at the time the invention was made would have found it obvious to include the electronically withdrawing from availability of certain policy information within the system as taught by the combination of Bestwire and Walker et al. with the motivation of allowing a user to view only the most relevant and pertinent information regarding the type of insurance selected via the Internet.

As per claim 25, Walker et al. teaches insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing a website (130, Fig. 1) to a user via the

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Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60).

Walker et al. explicitly teaches the claimed server system further configured to restrict access of each of the identified cedents to view only said proposals which are specific to the cedent.

Bestwire teaches an online system that enables life insurance direct writers (insurers) to shop for reinsurance (see: paragraph 1) through AgoraRe.com. Direct writers post applications and case-specific documents to the site for retrieval and examination by one or multiple reinsurers (see: paragraph 3). Reinsurers examine the cases and related documents and then return responses through the site where the direct writers will review the responses and select the best offer or offers (see: paragraph 3). Participants use security software at their workstations to contact the site and a password to enter the system, a case-placement screen allows direct writer to see all of the offers side by side but the direct writer cannot view cases submitted by the competitors (see: paragraph 1, 3, 4 and 5).

The obviousness of combining the teachings of Bestwire within the teachings of Walker et al. are discussed in the rejection of claim 4, and incorporated herein.

As per claim 26, Walker et al. teaches a network based system for a reinsurer to sell reinsurance for a plurality of classes of insurance to a plurality of cedents (see: column 4, lines 54-56), said system comprising:

--the claimed client system comprising a browser is met by the user or investors browsing the various policies and picking one or more he is interested in and using conventional

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interface (see: column 4, lines 45-60). The Examiner considers using conventional interface via the Internet connection to include software such as a web browser that allows the user to browse the various policies;

--the claimed database for storing information relating to the plurality of cedents is met upon receiving verification of a new investment order (step 1121) the record is stored in the appropriate database (step 1122) (see: column 12, lines 41-44);

a server system configured to be coupled to said client system and said database, said server system further configured to:

--the claimed calculate an available risk assumption capacity for the reinsurer including at least one of a per occurrence capacity and a cedent capacity, said per occurrence capacity is a predetermined amount of risk that the reinsurer may assume for a specific type of proposal, said cedent capacity is a predetermined amount of risk that the reinsurer may assume for a specific cedent is met in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids (reads on "per occurrence capacity") against a given portion of risk (see: column 14, lines 19-25). The Examiner considers investor as determining the maximum risk (reads on "cedent capacity") of loss he is willing to pay for the insurance policy from a primary insurer;

--the claimed generating, for each of said classes of insurance, a proposal to reinsure insurance portfolios of the cedents is met by the type of coverages (321, Fig. 3b) (see: column 6, lines 44-58 and column 8, lines 37-51);

--the claimed posting proposals such that selected ones of said proposals are viewable by selected ones of the cedents is met by the insurance company server (100, Fig. 1) that transmits

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policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60 and Fig. 3c);

--the claimed store a cedent capacity for each of the cedents and a per occurrence capacity for each of said proposals is met upon receiving verification of a new investment order that includes cedent capacity and a per occurrence capacity (step 1121) the record is stored in the appropriate database (step 1122) (see: column 12, lines 41-44);

--the claimed receiving from any one of the cedents via said client system one of said proposals to assume selected risks associated with the cedent as an offer by the cedent to cede a selected risk for acceptance by the reinsurer is met by a user browsing various policies and picking one or more of interest (103, Fig. 1) by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, the user enters a credit card number, expiration date and personal information including an e-mail address for transmission of the investment order (103, Fig. 1) via the Internet (see: column 5, lines 3-8, 36-53);

--the claimed enable the reinsurer to accept said offer submitted by one of the selected cedents is met by a user browsing various policies to picks one or more of interest using conventional interface to selects a policy by way of investment order (103, Fig. 1) (see: column 4, lines 45-60). In addition, digital signatures to insure the acceptance of a risk associated with a given policy (see: column 10, lines 41-54). The examiner considers the term "user" to be

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interchangeable and referring to possibly different users of the system such as risk cedent (insured) or primary insured;

--the claimed recalculate said cedent capacity of the cedent and said per occurrence capacity of the proposal upon accepting said offer is met by the central server (120, Fig. 1) that transmits to the insurance company server updated policy information and transactions used to calculate the amount of premium to be paid to each investor (see: column 5, lines 36-52).

Walker et al. fails to teach the claimed withdrawing from availability for submission as an offer any of said proposals whose acceptance would reduce said cedent capacity and said per occurrence capacity, as recalculated, below a selected amount.

Bestwire teaches online system that enables life insurance direct writers (insurers) to shop for reinsurance (see: paragraph 1).

The combination of Walker et al. and Bestwire fail to explicitly teach claimed withdrawing from availability for submission as an offer any of said proposals whose acceptance would reduce said cedent capacity and said per occurrence capacity, as recalculated, below a selected amount

However, Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines 44-47). This essentially

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withdraws the amount of risk from availability to the user, one of ordinary skill in the art at the time the invention was made would have found it obvious to include the electronically withdrawing from availability of certain policy information within the system as taught by the combination of Bestwire and Walker et al. with the motivation of allowing a user to view only the most relevant and pertinent information regarding the type of insurance selected via the Internet.

Response to Arguments

Applicant's arguments filed 2/2/04 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response 2/2/04.

(A) In the remarks, Applicants argue in substance that, (1) Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedent using a server associated with the risk carrier, wherein the method includes posting on the server by the risk carrier a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through a computer network; (2) Walker does not describe or suggest a per occurrence capacity or cedent capacity; (3) Walker does not allow the individual credit holders to post proposals on their server to buy a share of a selected insurance policy; (4) Walker does not disclose the step of "initializing on a server an available risk assumption capacity of said risk carrier" wherein the available risk assumption capacity for the risk carrier includes at least one of a per occurrence capacity and a cedent capacity; (5) Walker does not disclose the step of "electronically recalculating the available risk assumption capacity upon accepting the offer; (6) Walker fails to describe or suggest a method that includes calculating an

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available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent and identifying risk cedent having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms; and (7) Examiner cannot use hindsight reconstruction to pick and choose among isolated disclosure in the prior art to deprecate the claimed invention regarding to claims 4, 11, and 16.

(B) In response to Applicant's argument that, (1) Walker does not describe or suggest a method for a risk carrier to assume monetary risks from a plurality of risk cedent using a server associated with the risk carrier, wherein the method includes posting on the server by the risk carrier a plurality of proposals to assume selected risks of the identified risk cedents such that the proposals are viewable through a computer network. The Examiner respectfully submits that Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). This suggests that the investor offers bids ("posted proposals") to buy shares of a selected insurance policy indicating that the investors themselves initiated the reinsurance process by arriving at a rate or proposals to assume selected risks and offering a bid. Furthermore, Walker teaches an insurance company server (100, Fig. 1) that transmits policy information relating to a policy or policies to a central server (120, Fig. 1) which makes the policy information available for viewing on a website (130, Fig. 1) to a user via the Internet (100, Fig. 1) through conventional user interface (140, Fig. 1). A user or investors (reads

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on "risk carrier") browses the various policies and picks one or more he is interested in and using conventional interface selects a policy by way of investment order (103, Fig. 1) and further enters credit card number, expiration date and personal information, including his electronic mail ("e-mail") (reads on "posting") (see: column 4, lines 45-60, Fig. 3c and column 14, lines 19-26).

(C) In response to Applicant's argument that, (2) Walker does not describe or suggest a per occurrence capacity or cedent capacity and (6) Walker fails to describe or suggest a method that includes calculating an available risk assumption capacity for the risk carrier including at least one of a per occurrence capacity and a cedent capacity, the per occurrence capacity is a predetermined amount of risk that the risk carrier may assume for a specific type of proposal, the cedent capacity is a predetermined amount of risk that the risk carrier may assume for a specific cedent and identifying risk cedent having a class of risk that includes at least one type of risk that the risk carrier is interested in assuming under predetermined terms. The Examiner respectfully directs the Applicant to Section 4(a) and (b) of this Office Action to address the above mentioned features.

(D) In response to Applicant's argument that, (3) Walker does not allow the individual credit holders to post proposals on their server to buy a share of a selected insurance policy. The Examiner respectfully submits that Walker et al. teaches in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25). This suggests that the investor offers bids ("posted proposals") to buy shares of a selected insurance policy indicating that the investors themselves initiated the reinsurance process by arriving at a rate or proposals to assume selected risks and offering a bid.

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(E) In response to Applicant's argument that, (4) Walker does not disclose the step of "initializing on a server an available risk assumption capacity of said risk carrier" wherein the available risk assumption capacity for the risk carrier includes at least one of a per occurrence capacity and a cedent capacity. The Examiner respectfully submits that Walker et al. teaches a central server (120, Fig. 1) that transmits to the insurance company server policy information used to calculate the amount of premium to be paid to each investor (users) (see: column 5, lines 36-52 and Fig. 3c). Walker et al. further teaches that the central server (120, Fig. 1) transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor (user) (see: column 8, lines 36-52). This indicates that central server sends information regarding the amount of available risk to the insurance company server after the investors determines the amount of money to be used on credit card as suggested by investors arriving at a rate for a policy, by offering bids against a given portion of risk (see: column 14, lines 19-25).

(F) In response to Applicant's argument that, (5) Walker fails to teach the step of "electronically recalculation available risk assumption capacity upon accepting an offer". The Examiner respectfully submits Walker teaches a central server (120, Fig. 1) that transmits to the insurance company server updated policy information with transactions information used to calculate the amount of premium to be paid to each investor (user) (see: column 8, lines 36-52). Moreover, Walker et al. teaches a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: column 5, lines

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44-47). The updated information transmitted to the insurance company server provides the insurance company with the current amount of risk available which includes decreases in the amount of coverage available to each reinsurer essentially informing the reinsurer of the current available risk still existing.

(G) In response to Applicant's argument that, (7) Examiner cannot use hindsight reconstruction to pick and choose among isolated disclosure in the prior art to deprecate the claimed invention regarding to claims 4, 11, and 16. The Examiner respectfully submits that Walker et al. and Bestwire fail to explicitly teach the claimed electronically withdrawing from availability for submission as an offer any of the proposals whose acceptance would reduce the cedent capacity and the per occurrence capacity, as recalculated, below a selected amount. However, Walker and Bestwire teach in one particular preferred embodiment, investors (reads on "risk carrier" or "reinsurer") themselves arriving at a rate for a policy, by offering bids against a given portion of risk (see: Walker: column 14, lines 19-25). Moreover, Walker et al. and Bestwire teach a syndication central server that transmits updated syndication and transaction information (108, Fig. 1) to the insurance company server suggesting that once a investor ("risk carrier" or "reinsurer") makes payment, the amount of available risk assumptions capacity is decreased (recalculated) and the policy information is updated (see: Walker: column 5, lines 44-47). This essentially electronically withdraws from availability for submission as an offer to cede a selected risk any of said proposals whose acceptance would reduce said available reinsurance capacity, as recalculated, below a selected amount and the courts have held that even if a patient does not specifically disclose a particular elements said element being within the knowledge of a

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skilled artisan, the patent taken in combination with that knowledge, would put the artisan in possession of the claimed invention. *In re Graves*, 36 USPQ 2d 1697 (Fed. Cir. 1995).

In addition, to Applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

(H) It is respectfully submitted that the Examiner ^{has} ~~has~~ applied new prior art to the newly added features of claims 22-29 at the present time. As such, Applicant's remarks with regard to the application of Walker et al. and/or Bestwire to the newly added claims are addressed in the above Office Action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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